

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

NORMAN WHITESIDE,  
Plaintiff,

vs.

TRAYCE THALHEIMER, *et al.*,  
Defendants.

Case No. 1:13-cv-408  
Barrett, J.  
Litkovitz, M.J.

**ORDER**

Plaintiff, an inmate at the Warren Correctional Institution (“WCI”) proceeding pro se, brings this prisoner civil rights action under 42 U.S.C. § 1983 alleging violations of his constitutional rights by defendants. (Doc. 54). This matter is before the Court on defendants’ motion for a stay of the dispositive motion deadline (Doc. 120), which plaintiff does not oppose.

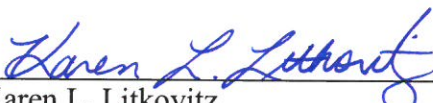
Defendants’ counsel represents that during plaintiff’s deposition, he testified that if he was granted a release date at his March 31, 2016 parole hearing, he would dismiss this action once he is released from prison. (Doc. 120 at 3). Defendants’ counsel notes that plaintiff previously stated the same to the Court in his January 11, 2016 motion to extend the discovery deadline. (*Id.*; *see also* Doc. 102). Specifically, plaintiff stated in his January 11, 2016 motion to extend the discovery deadline that “since a majority of the parole panel of October 22, 2015, has voted a parole for Plaintiff . . . , if Plaintiff is granted a parole on [March 31, 2016] with no rescission of the parole thereafter, Plaintiff will terminate this action voluntarily, and therefore, no further discovery will need to be taken.” (Doc. 102 at 1). Defendants’ counsel represents that at the March 31, 2016 parole hearing, plaintiff was granted a projected release date of September 1, 2016. (Doc. 120 at 3). Defendants’ counsel represents that during a phone conversation with plaintiff on April 1, 2016, plaintiff confirmed that he is amenable to a stay of the dispositive motion deadline and that he still intends to dismiss this action once he is released from prison.

(*Id.* at 3-4). Thus, defendants request that the dispositive motion deadline be stayed, as plaintiff's release from prison would render any dispositive motion moot. (*Id.* at 4).

For good cause shown, defendants' motion requesting a stay of the dispositive motion deadline (Doc. 120) is **GRANTED**. The dispositive motion deadline is **STAYED** pending plaintiff's anticipated release from prison on September 1, 2016. If circumstances change before plaintiff's anticipated release date, the parties may move the Court to lift the stay.

**IT IS SO ORDERED.**

Date: 4/4/16

  
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Karen L. Litkovitz  
United States Magistrate Judge